

STATE OF NEW HAMPSHIRE

PROBATE COURT

PROCEDURE BULLETIN 7

RELATIVE TO: The Appointment of Temporary Administrators Pursuant to RSA 553:20-a

This procedure bulletin is prepared for informational purposes in processing case files. It is not intended to provide parties with legal advice.

RSA 553:20-a allows for the appointment of a temporary administrator to determine what assets, if any, are contained within a decedent's estate. This procedure bulletin sets forth the process to implement this statute.

1. To seek temporary administration, a petition/motion form (Form NHJB-2128-P) will be filed in the county where the decedent resided at the time of death or if the decedent was not a resident of this state, in the county where the decedent's assets are believed to be located. This petition shall include an explanation of why the petitioner has standing to determine what assets are contained in the estate. In addition, the petitioner will file with the court:
 - a. A certified copy of the decedent's death certificate if not already on file with the Court.
 - b. The decedent's last will and testament, if available and not already filed with the Court. If the petitioner is not the named executor in the decedent's will, then a declination form from that person may also be required at the judge's discretion.
 - c. An appointment of resident agent form (Form NHJB-2120-P) when the individual to be appointed is not a resident of New Hampshire.
 - d. A list of heirs at law and/or legatees and devisees form (Forms NHJB-2150-P, NHJB-2151-P as applicable) and Probate Court Rule 21 certification of copies to parties (Form NHJB-2148-P).
2. No entry fee, bond or appraiser will be required.

3. If the petition is granted, the probate court will issue a certificate of *Appointment of Temporary Administrator* describing the specific duties and responsibilities of such person. The certificate should include the following language:

[Temporary administrator] has the authority to inventory estate assets and shall not have the authority to take possession of any asset except for the [decedent's] will.

The probate court will retain a copy of the *Appointment* on file.

4. Temporary administrators will, within 60 days (unless otherwise ordered by the Judge), file an "inventory of assets" with the court. This inventory need not be a formal inventory but must be made under oath and will include a list of the assets found, if any. No inventory of fiduciary (Form NHJB-2125-P) is required nor does this fall within the scope of RSA 548:5-a.

If the inventory is not filed within 60 days of the appointment of the temporary administrator, the court will either close the case with no further action or will issue an Order to Show Cause, in the judge's discretion.

5. If the inventory discloses there are assets, the court will process the matter in the ordinary course for estate administration when a petition for estate administration is filed along with the appropriate filing fee. Staff will then assign a new case number and process as appropriate for estate administration.
6. If the inventory discloses there are no assets, the matter will be closed.

Last Reviewed: August 1, 2007

_____/s/ David D. King
David D. King
Administrative Judge of Probate Court

History:

Revised August 1, 2007

Effective August 1, 2001

Formerly Procedure Bulletin 1997-05, Issued 6/1/97

See also:

Probate Court Administrative Order 7 relative to Estates Opened Solely to Pursue a Cause of Action

Probate Court Administrative Order 13 relative to Obtaining a Decedent's Medical Records